

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

TONY RAPATZ, ALICE  
GUERRA, and KATHERINE  
GUERRA,

Plaintiffs,  
vs.

No. CIV 12-827 RHS/LFG

JOE MARTINEZ, CHRISTIAN  
LOPEZ, ROBERT VIGIL, DANNY  
PACHECO, CITY OF ESPANOLA  
EMPLOYEES AND SUPERVISORS  
JOHN/JANE DOES 1-5, and CITY  
OF ESPANOLA,

Defendants.

**ORDER VACATING JULY 19, 2013 SETTLEMENT CONFERENCE**

THIS MATTER is before the Court on a confidential position paper submitted by Defendants. Defendants advise that their insurer, Praetorian Insurance, and its risk management company have undergone significant changes in corporate structure since the beginning of July; and, as a result, Berkley Risk Management is no longer involved in the evaluation and adjustment of Praetorian claims. The change to a successor risk management company, North American Risk Services, is in process, and while a new adjuster has been assigned to this case, she is not yet fully briefed on the case and is not available to attend the conference on July 19, 2013.

Defendants request permission for the new adjuster to appear at the Rule 16 settlement conference by telephone. The request is denied. Face-to-face participation in settlement negotiations is critical to a successful conference. Thus, the Court does not allow telephonic participation in these matters.

While the request to participate telephonically is denied, the Court will vacate the Rule 16 conference and reschedule it at a later date. Accordingly, the July 19, 2013 Rule 16 settlement conference is VACATED.

IT IS SO ORDERED.

Lorenzo F. Garcia  
Lorenzo F. Garcia  
United States Magistrate Judge